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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,531	11/14/2005	John A. Gelardi	CPG 03-23 MD	3315
38235 7590 12/27/2007				
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EXAMINER				
LALLI, MELISSA LYNN				
ART UNIT		PAPER NUMBER		
4124				
MAIL DATE		DELIVERY MODE		
12/27/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,531

Applicant(s)

GELARDI ET AL.

Examiner

MELISSA L. LALLI

Art Unit

4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: see Fig. 1, reference number 29. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 2, the phrases "book-like" and "planar-like" render the claims indefinite because it is unclear what "like" is intended to convey. See MPEP § 2173.05(b) with respect to "type" and "similar".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,992,618 to Jeffreys (Jeffreys). Jeffreys teaches:

In Reference to Claim 1:

A book-like stacked array (see fig. 1, book 1) having a spine (see fig. 1, flexible spine 7) and a cover (see fig. 1, binding 2) comprising: a stacked array of planar-like articles (see fig. 2, folio 10) having a spine (see fig. 2, sheet material 22); and a cover (see fig. 1, binding 2) having a cover spine (see fig. 1, flexible spine 7) and a back cover portion (see fig. 2, flap portion 4) hingedly adjoining said cover spine along a first hinge line (see fig. 2, not labeled hinge near 7) and attached to an outermost one of said planar-like articles (see fig. 2, folio 18) beyond a second hinge line (see fig. 2, not labeled hinge near 22) that is offset from said first hinge line such that when said stacked array is placed in open condition tearing away of the back cover portion from said outermost one of said planar-like articles is mitigated (see col. 1, lines 5-13).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over PG Pub 2003/0106814 to Gelardi et al. (Gelardi) in view of Jeffreys.

In Reference to Claim 1:

Gelardi teaches:

A book-like stacked array (see fig. 6, media package 10) having a spine and a cover (see fig. 6, jacket 20) comprising: a stacked array of planar-like articles (see fig. 6, stack of trays 12, 14, 16, 18) having a spine (see fig. 6, hinge 22); and a cover (see fig. 6, jacket 20) having a cover spine (see fig. 10, spine 58) and a back cover portion (see fig. 10, rear interior panel 60) hingedly adjoining said cover spine along a first hinge line (see fig. 2, not labeled, and Fig. 10, crease line 54) and attached to an outermost one of said planar-like articles (see fig. 6, tray 18).

Gelardi fails to teach the following claimed limitations that are taught by Jeffreys:

Beyond a second hinge line (see fig. 2, not labeled hinge near 22) that is offset from said first hinge line such that when said stacked array is placed in open condition tearing away of the back cover portion from said

outermost one of said planar- like articles is mitigated (see col. 1, lines 5-13).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have incorporated the page binding construction teaching of Jeffreys in the media package of Gelardi in order to evenly distribute any stresses exercised on the media package, therefore, reinforcing it as explicitly taught by Jeffreys.

In Reference to Claim 2:

Gelardi teaches:

The invention of claim 1 (see rejection of claim 1 above), said planar-like articles comprising trays (see fig. 6, stack of trays 12, 14, 16, 18).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The U.S. Patent No.'s 4,823,950 and 6,296,112 have been included because they are generally representative of prior art packaging for media discs. The US Patent No. 7,144,044 and Patent No. DE 20008218 U1 have been included because they are generally representative of prior art spines.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA L. LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML

/Kenneth Bomberg/
Supervisory Patent Examiner, Art Unit 4124